

JUL 22 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Nathan Ochsner, Clerk of Court

CAITLYN ROSE EICHMANN,

Plaintiff,

v.

THE U. OF HOUSTON SYS., *et al.*,

Defendants.

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CASE NO. 3:24-CV-106
JURY

PLAINTIFF'S ORIGINAL ANSWER TO DEFENDANT HARKER'S COUNTERCLAIM

TO THE HON. JEFFREY VINCENT BROWN, UNITED STATES DISTRICT JUDGE:

Plaintiff, Caitlyn Rose Eichmann, files this original answer to defendant, Felipe Eduardo Harker's original counterclaim as required by Federal Rule of Civil Procedure 7(a).

ADMISSIONS & DENIALS

1. Plaintiff admits the allegations in paragraph 1.
2. Plaintiff admits the allegations in paragraph 2.
3. Plaintiff admits the allegations in paragraph 3.
4. Plaintiff admits the allegations in paragraph 4.
5. Plaintiff admits the allegations in paragraph 5.
6. Plaintiff admits the allegations in paragraph 6.
7. Plaintiff admits the allegations in paragraph 7.
8. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 8.
9. Plaintiff denies the allegations in paragraph 9.
10. Plaintiff lacks sufficient knowledge or information to form a belief about the truth

of paragraph 10.

11. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 11.

12. Plaintiff denies the allegations in paragraph 12.

13. Plaintiff denies the allegations in paragraph 13.

14. Plaintiff denies the allegations in paragraph 14.

15. Plaintiff denies the allegations in the first sentence of paragraph 15, but admits the remaining averments.

16. Plaintiff denies the allegations in paragraph 16.

17. Plaintiff admits the allegations in paragraph 17.

18. Plaintiff admits the allegations in paragraph 18.

19. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 19.

20. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 20.

21. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 21.

22. Plaintiff admits the allegations in paragraph 22.

23. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 23.

24. Plaintiff denies the allegations in paragraph 24.

25. Plaintiff denies the allegations in paragraph 25.

26. Plaintiff denies the allegations in paragraph 26.

- 27. Plaintiff denies the allegations in paragraph 27.
- 28. Plaintiff denies the allegations in paragraph 28.
- 29. Plaintiff denies the allegations in paragraph 29.
- 30. Plaintiff admits the allegations in paragraph 30.
- 31. Plaintiff admits the allegations in paragraph 31.
- 32. Plaintiff denies the allegations in paragraph 32.
- 33. Plaintiff denies the allegations in paragraph 33.
- 34. Plaintiff denies the allegations in paragraph 34.
- 35. Plaintiff denies the allegations in paragraph 35.
- 36. Plaintiff denies the allegations in paragraph 36.
- 37. Plaintiff denies the allegations in paragraph 37.
- 38. Plaintiff denies the allegations in paragraph 38.
- 39. Plaintiff denies the allegations in paragraph 39.
- 40. Plaintiff denies the allegations in paragraph 40.
- 41. Plaintiff denies the allegations in paragraph 41.
- 42. Plaintiff denies the allegations in paragraph 42.
- 43. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 43.
- 44. Plaintiff admits the allegations in paragraph 44.
- 45. Plaintiff lacks sufficient knowledge or information to form a belief about the truth of paragraph 45.

DEFENSES & AFFIRMATIVE DEFENSES

- 46. Plaintiff is not liable to Defendant Harker because Defendant Harker's own acts or

omissions proximately caused or contributed to his injury.

47. Plaintiff is not liable to Defendant Harker because plaintiff's reporting of his sexual assault was made in good-faith reliance on the advice of the prosecuting attorney.

48. Plaintiff is not liable to Defendant Harker because plaintiff's statements were substantially true.

49. Plaintiff is not liable to Defendant Harker because the statements about Defendant Harker complaints are protected by the common-law qualified privilege for reporting criminal activity to law enforcement.

50. To mitigate damages, plaintiff will offer evidence of Defendant Harker's previously diminished reputation.

51. To mitigate damages, plaintiff will offer evidence of evidence of the facts and circumstances under which the statements were published.

52. Plaintiff is not liable to Defendant Harker because he may recover for emotional damages under his defamation causes of action, and thus Defendant Harker's cause of action for Intentional Infliction of Emotional Distress is barred.

PRAYER

53. Therefore, plaintiff prays that Defendant Harker take nothing on his counterclaim; and that plaintiff be awarded the relief requested in her first amended complaint.

Respectfully submitted,



MARK ARONOWITZ

State Bar No.: 00793281

S.D. Tex. Id. No.: 20421

P.O. Box 1201

Texas City, TX 77592-1201

Tel.: (409) 599-6685

Fax: (281) 715-4284

Email: markaronowitz@hotmail.com

OF COUNSEL:

JULIA CATHERINE HATCHER

State Bar No.: 24004692

S.D. Tex. Id. No.

1622 Campbell Lane

Galveston, TX 77551

Email: juliachatcher@gmail.com

ATTORNEY IN CHARGE FOR PLAINTIFF,
CAITLYN ROSE EICHMANN

CERTIFICATE OF SERVICE

I certify that on July 22, 2024, a copy of the Plaintiff's Original Answer to Defendant Harker's Original Counterclaim was served on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on the following:

Evan W. Weltge
Attorney in charge for defendant, UHS
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548
Tel.: (512) 463-2120
Fax: (512) 320-0667
Email: evan.weltge@oag.texas.gov

James Ardoin
Attorney in charge for Defendant Harker
Jimmy Ardoin & Assocs., PLLC
4900 Fournace Pl., Ste. 414
Bellaire, TX 77401
Tel.: (713) 574-8900
Fax: (713) 574-1404
Email: jimmy@jimmyardoinlaw.com

I certify that Evan W. Weltge and James Ardoin are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.


MARK ARONOWITZ